

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 26, 2004

DIVISION TWO

B171283 People v. Boulware

(Not for Publication)

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B169642 People (Not for Publication)
v.
Ruiz

The judgment is reversed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B171471 People (Not for Publication)
v.
Dawson

The Court:

The order under review is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

DIVISION TWO (Continued)

B169010 Vongyai (Not for Publication)
v.
McGraw

The court orders under review are affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B163415 Michael T. Leonte et al. (Certified for Partial Publication)
v.
ACS State and Local Solutions, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B175832 Los Angeles County, D.C.S.
v.
S.C.L.A.
Sencere P.

Filed order vacating submission order of July 13, 2004. Due to the press of other court business and the complexity of the issues in this case, a brief additional amount of time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FOUR

B166036 Hernandez (Not for Publication)
v.
Saturn of Monrovia

The judgment is affirmed.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

B173279 Yankee Doodles, Ltd. (Not for Publication)
v.
Long Beach Police Department, et al.

The judgment is affirmed. Respondents shall have their costs on appeal.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

B167057 Sommers (Not for Publication)
v.
Baja Foods, Inc., et al.

The judgment in favor of respondents is reversed and the trial court is directed to enter judgment on the jury's verdict against respondents. Appellant is to recover costs on appeal.

Hastings, J.

We concur: Epstein, P.J.
Grimes, J. (Assigned)

DIVISION FOUR (Continued)

B169032 Morris (Not for Publication)
v.
Ayodele

The judgment is affirmed. Respondent shall have her costs on appeal.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

DIVISION SIX

B172087 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B170178 People (Not for Publication)
v.
Villareal

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B166839 Uribe (Not for Publication)

v.
Aviles,
Zurich Insurance Company, et al.

The punitive damages award against Aviles is vacated and the matter is remanded for the trial court to reconsider Aviles's request for remittitur but only as to punitive damages, or in the alternative for a new trial on the issue of punitive damages. The judgment is otherwise affirmed. The parties shall bear their own costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B168794 People (Not for Publication)

v.
Ebert

The judgment is modified to reduce the \$200 penalty assessment to \$170. (Pen. Code, section 1202.4, subd. (a)(2); 1464; Gov. Code, section 76000.) As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B170470 Deering (Not for Publication)

v.

Deering

Ventura Co. Dept. of Child Support Services

The judgment (order) is affirmed. Michael is ordered to pay costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B171173 Eddy (Not for Publication)

v.

Fields

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B169343 PJS Corp. (Not for Publication)

v.

Irani

The judgment is affirmed. Costs on appeal are awarded to Respondent.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B169991 Fercano (Not for Publication)

v.

Amgen, Inc., et al.

The judgment is affirmed. Costs are awarded to Amgen.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B168240 People (Not for Publication)

v.

Galvez

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

B171180 People (Not for Publication)

v.

McSween

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B170832 Kobayashi et al. (Not for Publication)
 v.
 Foster

The matter is reversed and remanded with directions to the trial court to vacate its minute order dated September 12, 2003, and to enter a new and different order setting a hearing on an Order to Show Cause to be issued by the trial court which considers the joint response and opposition of appellants filed on September 2, 2003. Each side to bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B177150 Tamika J., (Not for Publication)
 v.
 Superior Court, Los Angeles County

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B169833 People (Not for Publication)
 v.
 Sergio B.

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B171974 Perez (Not for Publication)

V.

Santa Monica - Malibu Unified School District et al.,

The judgment is reversed. The case is remanded to the trial court for further proceedings not inconsistent with this opinion. Perez is to recover his costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B165511 Timpe (Not for Publication)

V.

Timpe

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B167668 Arcaro (Not for Publication)

V.

Silva

The order amending judgment is reversed as to Eugene Silva, the amended judgment is vacated, and this matter is remanded for entry of a new judgment omitting Eugene Silva as an additional judgment debtor. Each side is to bear its own costs.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

October 26, 2004 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The judgment is reversed with respect to the sentence imposed, and the matter remanded for resentencing in accordance with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION EIGHT

Court convened at 9:30 a.m.

Present: Cooper, P.J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B168483 People v. Ramirez
B169762 People v. Alvarez
B171023 Jamerson v. Baca
B171873 People v. Santos
B172186 People v. Latoya P.
B172296 DCFS v. Edward C.
B172949 People v. Morales
B175019 DCFS v. Silvia A.
B168815 People v. Hilton
B168838 In re Marriage of Alexander; Alexander v. Alexander
B169148 People v. Jaramillo
B170002 People v. Bavis
B171226 People v. Burguan
B171493 People v. Proeung
B173379 People v. Thomas
B173502 Manolakas v. Division Of Medical Quality
B176795 Miranda G. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

Each of the following:

B167509 Fischl v. New Horizons Computer Learning
B170899 Los Angeles County, D.C.S. v. Curtis B.
B172989 Ross v. United Services Automobile Association

Oral argument continued to November 29, 2004, at 9:00 a.m.

Each of the following:

B172398 Lee v. Pollack et al.
B169034 AIU Insurance Company v. Clarendon America Insurance

Oral argument continued to November 29, 2004, at 1:00 p.m.

B170396 Ballmer et al.
 v.
 Franchise Tax Board

Merits:

Argued by Derek L. Tabone for appellants and by Stephen Lew, Deputy Attorney General for respondent. Both counsel waived the presence of Justice Rubin. Cause submitted.

B167291 Mercury Insurance Company
 v.
 Allstate Insurance Company

Merits:

Argued by Ronald D. Kent for appellant and by Edith Matthai for respondent. Both counsel waived the presence of Justice Rubin. Cause submitted.

Court recessed at 10:23 a.m.

October 26, 2004 (Continued)

DIVISION EIGHT (Continued)

Court reconvened at 10:33 a.m.

Present: Cooper, P.J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B166432 Major Medical Center, Inc., et al.
 v.
 Kundu

Merits:

Argued by Michael J. Melton for appellants and by Ezra Leonard Fruchter for respondent. Cause submitted.

Court recessed at 10:56 a.m.

Court reconvened at 1:05 p.m.

Present: Cooper, P.J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B165076 Romero
 v.
 City Of Commerce et al.

Merits:

Argued by T. Peter Pierce for appellant and by Steve M. Berliner for respondents. Cause submitted.

B164418 Persson
B167179 v.
B172749 Smart Inventions, Inc., et al.

Merits:

Argued by Stephen R. Mick for appellants and by James R. Rosen for respondent. Cause submitted.

Court adjourned at 2:36 p.m.

DIVISION EIGHT (Continued)

B167417 People (Not for Publication)
v.
Meza et al.

The judgments are reversed as to counts 5, 11, 15, 16, and 23 and related enhancement allegations as to those counts and are otherwise affirmed. The matter is remanded to the trial court for resentencing.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B169885 DBJJ, Inc. (Certified for Publication)
v.
National City Bank

The judgment is reversed. The case is remanded to the trial court for further proceedings consistent with this opinion. Each party to bear its own costs on appeal.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B168304 People (Not for Publication)
v.
Rodriguez

The judgment is reversed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.